In the High Court of Punjab and Haryana, Chandigarh.

CWP No. 20754 of 2006

Date of Decision: 1.5.2007

Sandeep Singh

....Petitioner

Versus

State of Punjab and others.

....Respondents.

Coram:- Hon'ble Mr.Justice J.S. Khehar.
Hon'ble Mr. Justice L.N. Mittal

Present: Mr. J.S. Gill, Advocate
for the petitioner.

Mr. Salil Sagar, Addl. A.G., Punjab
for the respondents.

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J.S. Khehar, J. (Oral).

The petitioner who was fully eligible, responded to an advertisement dated 21.10.2006, for appointment against the post of Physical Training Instructor. The application form submitted by the petitioner, according to the learned counsel for the petitioner, was duly accepted, and as such, it was obligatory on the part of the respondents to evaluate the petitioner's merit in terms of the criterion evolved by the respondents to select candidates for appointment as Physical Training Instructors.

As against the contention advanced by the learned counsel for

the petitioner, the solitary contention of the learned counsel for the respondents, is based on preliminary submission No.1, wherein it has emphatically been pointed out, that all eligible candidates were required to have their original documents examined at C-DAC, Mohali, on 14.11.2006. In this behalf, it is pointed out, that a public notice was issued on 13.11.2006 specifically asserting, that no extension would be allowed for consideration of documents, to be conducted on 14.11.2006. According to the learned counsel for the respondents, such of the candidates, who did not have their original documents examined at C-DAC, Mohali, on 14.11.2006, could not be considered for selection and appointment against the advertised posts as they had not presented their documents on the basis of which their merit would have been determined.

As against the aforesaid contention of the learned counsel for the respondents, it is submitted on behalf of the petitioner, that the petitioner was medically unfit to appear at C-DAC, Mohali, on 14.11.2006, for the consideration of his original documents on account of the fact, that he was suffering from Dengue fever. In this behalf, learned counsel for the petitioner has relied on medical test reports, as well as, medical certificates to authenticate the assertion on behalf of the petitioner, that he was unwell on 14.11.2006, and therefore, could not appear at C-DAC, Mohali, on 14.11.2006 for the consideration of his documents. As such, it is the contention of the learned counsel for the petitioner, that non-appearance of the petitioner at C-DAC, Mohali, on 14.11.2006, was not on account of any fault of the petitioner himself, but on account of unfortunate circumstances, over which he had no control.

Despite the aforestated contention of the learned counsel for the

petitioner, we are of the view, that it was imperative for all those candidates who claimed consideration in furtherance of the advertisement dated 21.10.2006, to produce the original documents on the basis of which they desired to be considered for selection and appointment as Physical Training Instructor, at C-DAC, Mohali, on 14.11.2006. In fact, a specific notice had been issued by the respondents, that such of the candidates who did not have their original documents examined on 14.11.2006, would not be granted any extension for the aforesaid purpose. Even though, the reason why the petitioner did not appear at C-DAC, Mohali, on 14.11.2006, may have been out of his control, yet the fact of the matter is, that the mandate of the authorities was, that those candidates who did not present the original documents for scrutiny on the specified date, would not be allowed any extension for the said purpose. It is not as if, we are suggesting, that the petitioner has made an excuse for having his original documents now examined, but there can be a large number of excuses at the hands of the persons similarly situated as the petitioner, on the basis of which a genuine and reasonable ground can be made for scrutiny of documents beyond the cut off date. In case, every such case is accepted despite the specific indication in the notice dated 13.11.2006 (Annexure P-5), that no extension for consideration of documents would be granted under any circumstances, the process of selection would be endless. In the aforesaid view of the matter, we are of the view, that it would not be justified for us to direct the respondents to consider the candidature of the petitioner, who could not appear for the scrutiny of his original documents at C-DAC, Mohali, on 14.11.2006.

For the reasons recorded above, we find no merit in this

petition, and the same is, accordingly, dismissed.

(J.S. Khehar)
Judge.

(L.N. Mittal)
Judge.

01.05.2007
sk.